

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450/Alexandria, VA 22313-1450, on the below date:

Date: March 10, 2006 Name: Magdalena O. Cilella, Ph.D. Signature: Magdalena Cilella

**BRINKS
HOFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application of:

Kikaru Matsuda et al.

International Appln. No. **PCT/JP2003/15641**

International Filing Date: **December 5, 2003**

Serial No.: **10/537,678**

Filed: **June 6, 2005**

For: **LAYERED BIORESORBABLE
IMPLANT**

Examiner

Group Art Unit No.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Notification of Missing Requirements (in duplicate); copy of Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated Office (DO/EO/US); Statement According to 37 C.F.R. § 1.821(f); paper copy of Sequence Listing; diskette with computer readable copy of Sequence Listing; Power of Attorney by Assignee and Correspondence Address Indication; Declaration For Utility Or Design Patent Application (37 C.F.R. § 1.63); Amendment
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ An additional filing fee has been calculated as shown below:

03/20/2006 CFREY1 00000135 10537678

01 FC=1617

06 CFREV1 00000135 10537678

					Small Entity			Not a Small Entity	
17	Claims Remaining After Amendment	130.00 00	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim						+\$180=		+	\$360=
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of **\$130.00** is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$. A copy of this Transmittal is enclosed for this purpose.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

March 10, 2006

Respectfully submitted,

Magdalena Cilella

Magdalena O. Cilella, Ph.D. (Reg. No. 56,619)

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313

on 3/10/06

Date of Deposit

Magdalena O. Cilella, Ph.D.

Name of applicant, assignee or

Registered Representative

Magdalena Cilella

Signature

March 10, 2006

Date of Signature

Case No. 12868/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kikaru Matsuda et al.

International Appln. No. PCT/JP2003/15641

International Filing Date: December 5, 2003

Serial No.: 10/537,678

Filed: June 6, 2005

For: LAYERED BIORESORBABLE
IMPLANT

Attention: Manager,
Application Branch

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn.:

Dear Sir:

In accordance with the Notification of Missing Requirements of Application Filing Date Granted dated February 7, 2006, a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Utility or Design Patent Application (37 C.F.R. § 1.63)
- ☒ Power of Attorney by Assignee and Correspondence Address Indication
- ☒ Applicant is:
- ☐ a small entity, verified statement is:
- ☐ attached
- ☐ already filed
- ☒ other than small entity
- ☐ Checks totaling \$130.00 for:
- ☐ Filing Fee of \$____.
- ☒ Surcharge of \$130.00.
- ☐ Additional Claim Fees of \$____.
- ☐ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☒ Other: Statement According To 37 C.F.R. § 1.821(f); diskette with computer readable copy of Sequence Listing; paper copy of Sequence Listing.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: _____

March 10, 2006

Magdalena O. Cilella

Magdalena O. Cilella, Ph.D.
Registration No. 56,619
Agent for Applicant(s)

BRINKS HOFER GILSON & LIONE
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(312)321-4200

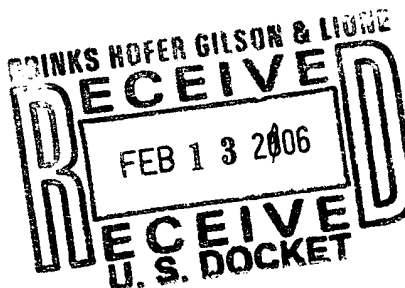


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/537,678	Kikaru Matsuda	12868/3

Brinks Hofer Gilson & Lione
 PO Box 10395
 Chicago, IL 60610



INTERNATIONAL APPLICATION NO.	
PCT/JP03/15641	
I.A. FILING DATE	PRIORITY DATE
12/05/2003	12/05/2002

CONFIRMATION NO. 6847

371 FORMALITIES LETTER



OC000000017940985

Date Mailed: 02/07/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/06/2005
- Copy of the International Search Report filed on 06/06/2005
- Copy of IPE Report filed on 06/06/2005
- Preliminary Amendments filed on 06/06/2005
- Information Disclosure Statements filed on 06/06/2005
- U.S. Basic National Fees filed on 06/06/2005
- Priority Documents filed on 06/06/2005
- Specification filed on 06/06/2005
- Claims filed on 06/06/2005
- Abstracts filed on 06/06/2005
- Drawings filed on 06/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,678	PCT/JP03/15641	12868/3

FORM PCT/DO/EO/905 (371 Formalities Notice)